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Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

The Honorable Mitch McConnell, Jr.
United States Senate
361A Russell Senate Office Building
Washington, D.C. 20510

Dear Senator McConnell:

Thank you for your recent letter, on behalf of your constituents in Kentucky concerning the placement and construction of facilities for the provision of personal wireless services and radio and television broadcast services in their communities. Your letter refers to three proceedings that are pending before the Commission. In MM Docket No. 97-182, the Commission has sought comments on a Petition for Further Notice of Proposed Rule Making filed by the National Association for Broadcasters and the Association for Maximum Service Television. In this proceeding, the petitioners ask the Commission to adopt a rule limiting the exercise of State and local zoning authority with respect to broadcast transmission facilities in order to facilitate the rapid build-out of digital television facilities, as required by the Commission's rules to fulfill Congress' mandate. In WT Docket No. 97-192, the Commission has sought comment on proposed procedures for reviewing requests for relief from State and local regulations that are alleged to impermissibly regulate the siting of personal wireless service facilities based on the environmental effects of radio frequency emissions, and related matters. Finally, in DA 96-2140 and FCC 97-264, the Commission twice sought comments on a Petition for Declaratory Ruling filed by the Cellular Telecommunications Industry Association seeking relief from certain State and local moratoria that have been imposed on the siting of commercial mobile radio service facilities.

Because all of these proceedings are still pending, we cannot comment on the merits of the issues at this time. However, I can assure you that the Commission is committed to providing a full opportunity for all interested parties to participate. The Commission has formally sought public comment in all three proceedings and, as a result, has received numerous comments from State and local governments, service providers, and the public at large. Your letter, as well as this response, will be placed in the record of all three proceedings and will be given full consideration.

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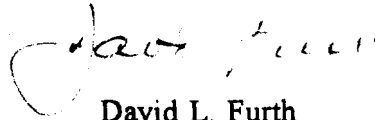
The Honorable Mitch McConnell, Jr.

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Further information regarding the Commission's policies toward personal wireless service facilities siting, including many of the comments in the two proceedings involving personal wireless service facilities, is available on the Commission's internet site at <http://www.fcc.gov/wtb/siting>.

Thank you for your inquiry.

Sincerely,

A handwritten signature in dark ink, appearing to read "David L. Furth", with a large, stylized initial "D" on the left.

David L. Furth
Chief, Commercial Wireless Division
Wireless Telecommunications Bureau

MITCH McCONNELL
KENTUCKY

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United States Senate

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November 10, 1997

The Honorable William Kennard
Chairman
Federal Communications Commission
1919 M Street
Washington, D.C. 20554

Dear Chairman Kennard:

I am writing on behalf of several of my constituents in Kentucky concerned with the proposed rules being considered by the Federal Communications Commission on cellular and broadcast towers.

It has been brought to my attention that the new rules regarding the regulation of the radiation from cellular antennas, the moratoria imposed on cellular towers, and the limitation for municipalities to act on local permits will allow the Federal Communications Commission to preempt the local zoning authority over cellular towers. Since the Telecommunications Act of 1996 reaffirmed local zoning authority over cellular towers, I am concerned that these proposed rules may violate the intent of Congress and the law. Any information on the status of these proposed rules would be greatly appreciated.

Thank you for your time and assistance. I look forward to hearing from you soon.

Sincerely,



MITCH McCONNELL
UNITED STATES SENATOR

MM/lmg

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